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Applicant:

Gary K. Michelson

For:

FRUSTO-CONICAL INTERBODY SPINAL
FUSION IMPLANTS

Examiner:

Brown, M.

Art Unit:

3301

Atty's Docket No.:

P-12509

*copy of
FDS*

(part of #9)

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.97 & 1.98

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the document listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(c) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c) this Information Disclosure Statement is accompanied by a fee of \$240.00 as specified by section 1.17(p).

Applicant respectfully requests that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been

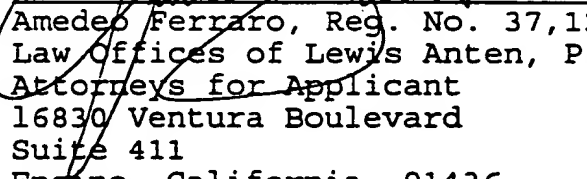
made or that no better art exists and does not constitute an admission that each or all of the listed documents are material to patentability or constitute "prior art". If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 01-2138.

Respectfully submitted,

Dated: 12-19-97



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